

REICH, ADELL, CROST & CVITAN

A PROFESSIONAL LAW CORPORATION

3550 WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90010
TEL (213) 386-3860 • FAX (213) 386-5583
www.racclaw.com

HIRSCH ADELL
PAUL CROST
ALEXANDER B. CVITAN
MARIANNE REINHOLD
J. DAVID SACKMAN
LAURENCE S. ZAKSON

OF COUNSEL
GEORGE A. PAPPY
STEVEN T. NUTTER

MARSHA M. HAMASAKI
NEELAM CHANDNA
CARLOS R. PEREZ
DEBRA S. GOLDBERG
PETER A. HUTCHINSON
ANDREW BIRNBAUM
WILLIAM Y. SHEH

JULIUS MEL REICH
(1933 - 2000)

May 5, 2006

Via Overnight Delivery

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

AOR 2006-19

Re: Request for Advisory Opinion for LACDP

Dear Sir or Madam:

This law firm is general counsel to the Los Angeles County Democratic Party Central Committee, also known as the Los Angeles County Democratic Party (LACDP). On behalf of the LACDP, we request an advisory opinion regarding the activity described below.

I. BACKGROUND AND FACTS

The LACDP is the local party committee of the Democratic Party responsible for endorsements and campaign activity on behalf of Democratic candidates for non-partisan local offices in Los Angeles County, California. The City of Long Beach is the second largest city in Los Angeles County. The City of Long Beach had a nonpartisan primary election in April 2006. In races in which no candidate received a majority of the votes cast, the City of Long Beach is conducting a general or run-off election on June 6, 2006. Long Beach City Charter, Article XIX, Sections 1901 & 1906. Long Beach is also conducting a special municipal election on June 6, 2006 to fill a vacant city council seat. June 6, 2006 is the same day as the California state primary election—an election in which candidates for federal office are also on the ballot. In Los Angeles County, all federal office-seekers appearing on the ballot are running for the nomination of their respective parties; there are no special elections for federal office.

Under California law, a political party committee may communicate (via direct communication, such as direct mail and pre-recorded electronically dialed telephone calls, but not public advertising) with the voters registered to vote as members of that party without the expenditure being considered a contribution or independent expenditure under California law. Cal. Gov't Code Section 85312; 2 C.C.R. Section 18215(c). The LACDP would like to send

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such communications to those Long Beach voters registered to vote as members of the Democratic Party advising them of the candidates for mayor and city council for the City of Long Beach and candidates for the Long Beach Unified School District governing board endorsed by the Democratic Party. The target period for these mailings and calls would be four to fifteen days before the June 6 election date.

In elections held on dates on which no candidate for federal office appears on the ballot, the LACDP's message frequently includes, in addition to the name and office of the candidate and the fact that the candidate is the officially endorsed candidate of the Democratic Party: (1) the date of the election; (2) the time period during which the polls are open; and (3) the voter's particular polling location. The LACDP intends to include the first two items of information in the electronically dialed telephone calls and all three items of information in the mailings.

Communications will indicate that the endorsed candidates have been endorsed because they exemplify and hold positions consistent with the values advocated by the Democratic Party. The communications mention specific candidate policy positions, but do not mention any specific policy positions of the Democratic Party.

Although neither the mailings nor the electronically dialed telephone calls will in any way reference any candidate for federal office, it appears that, under the Commission's newest rules, the LACDP's member communications may constitute "get-out-the-vote" activity (GOTV) as defined under 11 CFR 100.24, and, hence, "federal election activity" based solely on the fact that the Long Beach Election is being held on the same day as the federal primary election. See, also, 11 CFR 100.24(a)(1)(iii)(A) (exempting from the definition of "federal election activity" GOTV activity conducted exclusively in connection with non-federal elections held on dates separate from the federal election). This appears to be true even if the communication is made as early as fifteen days before the primary election given the FEC's recent promulgation of Interim Final Rules (71 FR 14357, March 22, 2006) and Final Rules (71 FR 8926, February 22, 2006) amending the definition of "federal election activity" and "get-out-the-vote" activity. As such, it appears that the LACDP's anticipated member communications would constitute "federal election activity" and, consequently, would have to be allocated and paid in part with federally qualified funds pursuant to 11 C.F.R. Section 300.33. The purpose of this request is to seek the Commission's advice as to whether such funding is, in fact, required in the specific circumstances here, where the communication: (i) is made by means other than public advertising; (ii) is directed to voters registered as members of the political party and does not constitute a contribution or independent expenditure under state law; and (iii) the communication itself does not reference any federal candidate, but, rather, solely non-federal candidates participating in a non-partisan, non-federal election being held on the same day as the federal

election.¹

The LACDP also seeks the Commission's advice concerning whether mention of the names and offices of the (non-federal) endorsed candidates and the date of the election without any mention of either (i) the time period during which the polls are open or (ii) the voter's particular polling location would change the outcome and allow payment for the communication to be made entirely with non-federal funds.

II. STATEMENT OF ISSUE PRESENTED

Whether the LACDP's anticipated member communications in connection with the Long Beach municipal election, which will not mention or identify any candidates for federal office, constitutes "federal election activity" and must be allocated and paid for in part with federally qualified funds pursuant to 11 C.F.R. Section 300.33.

III. REQUEST FOR EXPEDITED REVIEW

Because the Long Beach election is approximately four (4) weeks away on June 6, 2006, we respectfully request an expedited review (preferably in the 20-day window authorized for federal candidates' requests) of the LACDP's request for advisory opinion regarding its anticipated member communications in connection with the Long Beach municipal election.

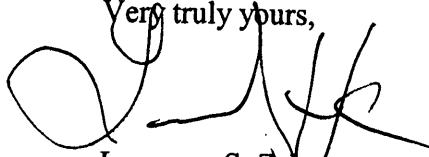
Relevant portions of the California Government Code, California Code of Regulations and Long Beach City Charter are attached for your reference.

¹ In this regard, it is notable that the Long Beach municipal election is a "concurrent" election being run by the City of Long Beach at the same time as the statewide primary election, but with a separate municipal ballot and separate ballot tabulation. See "City Clerk 2006 Election Plan" prepared by the City of Long Beach (attached) at 15. This is in contrast to a "consolidated" election in which all candidates, federal and non-federal, appear on the same ballot.

Federal Election Commission
May 5, 2006
Page 4 of 4

Please contact me should you have any questions or require any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to be 'L. Zakson', written over the closing 'yours,'.

Laurence S. Zakson
of REICH, ADELL, CROST & CVITAN

LSZ/ws

cc: Eric Bauman, Chair, LACDP

135858.1

2006 ELECTIONS PLAN

The seal of the City of Long Beach is a circular emblem. It features an eagle with its wings spread, perched on a shield. The shield contains a landscape with a building and a ship. The words "CITY OF LONG BEACH" are written in a circle around the top, and "INCORPORATED 1897" is written around the bottom. The year "1907" is also visible in the center of the seal.

CITY CLERK DEPARTMENT 2006 ELECTIONS PLAN

**UPDATE 1
DECEMBER 13, 2006**

To enhance the transparency and integrity of City elections processes, increase voter independence and involvement in City elections, and provide information to residents on how and where to vote.

2006 ELECTIONS PLAN

Table of Contents

ELECTIONS ADMINISTRATION.....	4
STRATEGY 1: BUDGETING AND ACCOUNTING	4
STRATEGY 2: POLL LOCATIONS.....	4
STRATEGY 3: CONTRACTING OUT	5
STRATEGY 4: GEOGRAPHIC INFORMATION SYSTEMS (GIS)	5
STRATEGY 5: U.S. POSTAL SERVICE COORDINATION.....	5
STRATEGY 6: SAMPLE BALLOT BOOKLET	6
STRATEGY 7: COMMUNICATION WITH CALIFORNIA SECRETARY OF STATE.....	6
STRATEGY 8: FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS BY CANDIDATES AND COMMITTEES.....	6
 POLL WORKER RECRUITMENT AND TRAINING	 7
STRATEGY 9: POLL WORKER RECRUITMENT & ADOPT-A-POLL PROGRAM.....	7
STRATEGY 10: STUDENT POLL WORKER RECRUITMENT	8
STRATEGY 11: EMPLOYEE POLL WORKER PROGRAM	8
STRATEGY 12: CROSS TRAINING OF STAFF	9
STRATEGY 13: STREAMING VIDEO.....	9
STRATEGY 14: POLL WORKER MANUAL.....	9
 VOTER EDUCATION AND OUTREACH.....	 10
STRATEGY 15: MINORITY LANGUAGE REQUIREMENTS	10
STRATEGY 16: INTERNET ACCESS TO VOTING INFORMATION.....	10
STRATEGY 17: MEDIA RELATIONS	10
STRATEGY 18: VOTER EDUCATION AND OUTREACH.....	11
STRATEGY 19: SB 1050 (BOWEN) – ELECTIONS, WRITE-IN CANDIDATES	11
 CANDIDATE PROCESSING AND SUPPORT	 11
STRATEGY 20: CANDIDATE HANDBOOK AND ORIENTATION	11
STRATEGY 21: STATEMENTS OF ECONOMIC INTEREST – FORM 700	12
STRATEGY 22: DEPOSIT FOR REMOVAL OF CAMPAIGN SIGNS.....	12
STRATEGY 23: TRAINING BY FAIR POLITICAL PRACTICES COMMISSION (FPPC)	13

2006 ELECTIONS PLAN

ELECTION DAY OPERATIONS.....	13
STRATEGY 24: ABSENTEE BALLOT APPLICATION PROCESSING.....	13
STRATEGY 25: VOTE BY MAIL SPECIAL ELECTIONS	13
STRATEGY 26: ELECTION DAY FIELD SUPERVISORS & RELOCATION OF CENTRAL COLLECTIONS AND BALLOT COUNT LOCATION FROM CITY HALL TO A CENTRALLY LOCATED FACILITY IN THE CITY	14
STRATEGY 27: VOTING SYSTEMS TECHNOLOGY IMPROVEMENTS BY LOS ANGELES COUNTY.....	14

2006 ELECTIONS PLAN

ELECTIONS ADMINISTRATION

STRATEGY 1: BUDGETING AND ACCOUNTING

Goal: To accurately estimate and report the cost of municipal elections, including identification of cost saving recommendations that strengthen the voting process and to assess costs associated to the different jurisdictions that consolidate with Long Beach elections.

Objective: Utilize the City's financial management system to forecast and monitor elections costs and revenues.

Outcome Criteria: Budgeted costs are closer to actual costs to preserve General Fund appropriations at beginning of fiscal year. Costs of a concurrent election with Los Angeles County may affect outcome.

12/13/05 Update: \$2.1 million has been budgeted for the 2006 City Elections. All efforts will be made to cost-effectively comply with Department of Justice requirements which were not known at the time the 2006 budget was adopted by the City Council.

STRATEGY 2: POLL LOCATIONS

Goal: To gradually migrate existing polling locations to Neighborhood Voting Centers (NVCs) from private residences and businesses.

Objective: In concert with the RRCC, identify 35 NVC locations that are visible and accessible, consolidate precincts, and communicate the new locations to affected voters.

Outcome Criteria: [1] Community acceptance; [2] Reduction in private polling locations and increase in use of well situated City facilities; [3] Selection of locations that are ADA accessible; [4] Voter notification of poll locations via sample ballot and print media; and [5] Reduction of poll costs.

Comment: Election Code 12280 provides that when designating polling places, the elections official shall undertake necessary measures in the locating of polling places to ensure that polling places meet the guidelines promulgated by the Secretary of State for accessibility by the physically handicapped. This requirement and several provisions of the Help America Vote Act (HAVA) may result in the phase out of many familiar privately owned locations over the next several years. The increasing trend in voting by mail supports the creation of NVCs. For the April 2004 Primary Nominating Election, eight of the 68 poll locations were NVCs. Thirty-eight polling locations in Long Beach were NVCs for the Statewide General Election in November 2004.

Polling locations for future elections will be coordinated with the Registrar-Recorder/County Clerk in order for our voters to have consistency in voting locations between the April and June Elections. It is projected that there will be approximately 250 polling locations in Long Beach in 2006.

12/13/05 Update: There will be 303 polling locations for the April election. Because of the concurrent election in June 2006, and in order to have the least impact on our voters, this Department has decided to consolidate elections precincts for April the same as the RRCC will

2006 ELECTIONS PLAN

consolidate for June. This means that consolidations will have no more than 1000 registered voters per precinct. In order for poll locations to accommodate a city poll and a county poll, NVCs will only be used in places large enough to accommodate 4 to 6 tables, and the requisite number of poll workers. The location must also be ADA compliant and have adequate parking.

A listing of polling places for April 2006 will be presented to the City Council in January 2006. The aim of this effort will be to receive public comment on the suitability of recommended polling places.

STRATEGY 3: CONTRACTING OUT

Goal: To create an optimal relationship with the City's election consultant that will assist in leveraging the City's acquired elections technology with the aim of strengthening the integrity of the elections process.

Objective: Development of a project plan detailing City and consultant responsibilities according to key election calendar milestone dates.

Comment: Our current consultant/vendor has assisted the City of Long Beach since 1956. For the 2004 election, this vendor acquired additional equipment to assist us with the preparation and mailing of absentee ballots.

Outcome Criteria: Outsourcing of certain election functions increases the efficiency of election staff by allowing us to concentrate on larger issues.

12/13/05 Update: The election consultant has been tasked with the creation of a internet application that will feed the precinct results directly to the City website, as well as an application for the logging in of poll ballots as they are delivered on Election Day to "elections central." Also see Strategy 9 for the contracting out of poll worker training.

STRATEGY 4: GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Goal: Utilization of GIS to ensure the accurate placement of registered voters are within the correct precincts and districts within the respective jurisdictions of the City, LBUSD, and LBCCD.

Objective: Completion of a service agreement with the GIS Division of the Technology Services Department for boundary verification support in the fall of 2005.

Outcome Criteria: [1] Identification of anomalies and coordination of corrective actions with the RRCC; and [2] Training of staff to increase knowledge and skill in using GIS technology as an elections planning tool.

12/13/05 Update: In process for 2006 elections. Estimated completion is Friday, December 9, 2005.

STRATEGY 5: U.S. POSTAL SERVICE COORDINATION

Goal: To promote the timely delivery of sample ballot pamphlets and absentee ballots to voters.

2006 ELECTIONS PLAN

Objective: Contact the Long Beach Postmaster requesting them to notify their branch managers to watch for and to ensure that election related mail enters the postal stream immediately.

Outcome Criteria: Mailing of Sample Ballot Pamphlets 40 to 30 days before Election Day.—~~If the City consolidates with the County for the June runoff election, sample ballot mailing could be delayed by as much as 10 days.~~

12/13/05 Update: Letter to postmaster scheduled for release on March 2, 2006.

STRATEGY 6: SAMPLE BALLOT BOOKLET

Goal: To allow City departments to place ads in the sample ballot booklet in the event we have blank pages to work with.

Objective: Contact City departments to inquire as to their interest in advertising in the sample ballot booklet in the event of blank page space.

Outcome Criteria: Additional means of notifying public of City programs (e.g., hazardous materials roundup, upcoming events, and services).

12/13/05 Update: Along with a local public relations firm, the City Clerk Department has devised a slogan and logo for the concurrent election. This slogan, logo, and other notification for the concurrent election will be a part of the sample ballot booklet for the General Municipal Election. Other departments will be invited to place ads in the sample ballot booklet at no charge in the event blank page space is available.

STRATEGY 7: COMMUNICATION WITH CALIFORNIA SECRETARY OF STATE

Goal: Enhancement of services between the Secretary of State and municipal government.

Objective: Continued communication with the SOS either independently or through the City Clerks Association of California regarding innovations at the municipal level, and transparent government at local expense (i.e., streaming video, electronic campaign statement filing).

Outcome Criteria: Collaborative relationship between CCA C and SOS, integration of local programs and services with the mission of the SOS, and legislative proposals for efficient/effective municipal elections.

12/13/05 Update: A reception and meeting were held with Secretary of State Bruce McPherson and two members of his staff on Thursday, June 9, 2005. Members of the City Council, the Board of Directors of the City Clerks Association of California (CCAC), and the City's election consultant were also present. The Secretary was given a list of 13 concerns by CCAC. From that list, the members present felt that three of the 13 were the most important to the CCAC organization as a whole. The list is attached to this report.

STRATEGY 8: FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS BY CANDIDATES AND COMMITTEES

Goal: No tolerance policy on the late filing of campaign statements and Statements of Economic Interests.

2006 ELECTIONS PLAN

Objective: Early courtesy notification to all candidates and committees of filing deadlines, and coordinate enforcement with City Attorney.

Objective Criteria: Considerable staff time is spent corresponding with filers regarding campaign statements and Statements of Economic Interest that are filed after the deadlines. As the filing officer, we have an obligation to notify late filers of a missed filing deadline; however we do not have an obligation to notify filers of an upcoming deadline, as it is their obligation to know their filing requirements. The FPPC has suggested guidelines for notifying filers of missed filing deadlines, which include notifying the filer in writing of the potential fines involved by missing the deadline and to set a specific date that the document is due. If the document is not received by this specified due date, the fine must be imposed, they are referred to the City Attorney Department for enforcement.

12/13/05 Update: The Department will adopt a strict enforcement policy concerning the timely filing of campaign finance reports. This means that late filing penalties will not be waived. Candidates will be advised of this policy during the candidate orientation workshop on December 19, 2005.

An electronic filing system for Statements of Economic Interest has been created in concert with Technology Services. This system is different from the electronic filing system for campaign statements. The filer completes the statement electronically, then prints, signs, and submits the hard copy to the filing officer. The form is not saved or viewable online.

POLL WORKER RECRUITMENT AND TRAINING

STRATEGY 9: POLL WORKER RECRUITMENT & ADOPT-A-POLL PROGRAM

Goals: A. Recruit and train reliable poll workers with the aim of increasing their productivity to mitigate the risk of polling location disruptions or operational problems. Future concurrent elections will force us to discontinue our practice of consolidating precincts in large groups, in order to match the RRCC's polling place locations for both April and June elections. Since their consolidated precincts are smaller than ours, the number of polling locations will increase (See Strategy 2) thereby necessitating the need for more poll workers. Projected cost increases in this area by 8 percent to 10 percent.

B. Offer an Adopt-A-Poll Program to interested persons that provide them with the option of voluntarily donating their poll worker stipends to non-profit organizations or towards a reduction in elections costs borne by the General Fund.

C. Recruit and train inspectors to enable them to oversee up to two polls at an NVC (special standalone elections only).

Objectives: [1] Contract the poll worker training portion to an outside vendor in order to allow election staff to remain in the office and prepare for the election; [2] Continue policy of paying poll workers \$25 for attending a training class; and [3] Development of an Adopt-A-Poll Brochure for distribution to interested persons.

2006 ELECTIONS PLAN

Comment: The City Clerk FY 06 budget will reflect this increase. Additionally, as our poll worker base continues to shrink and because of the increase in polling locations for 2006, a considerable strain may be placed on the poll worker pool. In the event of a concurrent election, this strategy may be coordinated with the Los Angeles County Registrar-Recorder/County Clerk.

12/13/05 Update: In addition to our need for additional poll workers due to the increase in consolidated precincts in 2006, we are also faced with an increased need for bilingual poll workers. The majority of polls will require Spanish-speaking poll workers, and many will require Vietnamese, Khmer, and Tagalog-speaking poll workers (our required languages). However, there may be. Notices will be placed at local colleges in an effort to recruit bilingual students to assist in this need.

STRATEGY 10: STUDENT POLL WORKER RECRUITMENT

Goal: To recruit eligible high school seniors to work at polling places for the Primary and General elections.

Objective: To seek access to high school seniors through government education classes.

Comment: Because of graduations taking place in June, it may be difficult to recruit students for June elections. AB 1097, if passed by the legislature, will allow high school juniors who meet certain criteria to participate as poll workers.

Outcome Criteria: Placement of one student at each polling place in accordance with State law and City Clerk placement criteria. In the event of a concurrent election, this strategy may be coordinated with the Los Angeles County Registrar-Recorder/County Clerk.

12/13/05 Update: AB 1097 was gutted and amended by the legislature on September 1, 2005. This topic was addressed at a recent meeting of the Youth Council, and we will also be working with the Long Beach Unified School District, and St. Anthony High School to recruit high school seniors.

Notices will also be placed at local colleges in an effort to recruit college students.

STRATEGY 11: EMPLOYEE POLL WORKER PROGRAM

Goal: To have City employees serve as precinct inspectors and supervisory field troubleshooters on Election Day.

Objective: Seek City Manager approval for placement of at least one City employee in each polling place.

Comment: With the increase in polling locations for 2006, and as the number of poll workers continues to dwindle, it will be imperative to have an active pool of employee poll workers trained and ready to go.

12/13/05 Update: Because of the drain on the poll worker pool that will occur as a result of our concurrent election in June, the reactivation of the employee poll worker program may be necessary. AR-32-3 (copy attached) was established in 2002 to address and ensure adequate

2006 ELECTIONS PLAN

staffing at the polls for city elections. We will know more following the certification of election results in April.

STRATEGY 12: CROSS TRAINING OF STAFF

Goal: To cross train full time City Clerk and City staff to assist with "core" election-related duties to strengthen elections planning, logistics, and execution functions.

Objective: [1] Request that City Clerk supported committees and commissions suspend meetings April 1 through April 15, 2006, and June 1 to June 15 (depending on runoff); [2] Request City Manager support to recruit, train, and assign 250 City employees as polling place inspectors for the April and June elections; and [3] Work with the City Manager and Human Resources Department to identify City employees who may not be able to do their regular duties due to industrial injury and who may be well suited to work for the Elections Division during the election cycle.

Outcome Criteria: City staff ready to go when called upon.

STRATEGY 13: STREAMING VIDEO

Goal: Utilize digital video technology to distribute elections related information via the Internet (e.g., poll worker training, how to use the voting system).

Objective: To use streaming video for poll worker training, candidate statements, and voter outreach. This is especially important for our vision/hearing-impaired voters.

Outcome Criteria: Accessible streaming video from City Clerk website.

12/13/05 Update: In the event that a communications infrastructure exist at election central, staff will develop a local new broadcast program for Election Day, commencing at 7:55 p.m. The purpose of the broadcast will be to provide real time information to Long Beach residents regarding polls reported, precinct results and other relevant topics.

In addition, and in order to enhance DOJ compliances, anything placed on our web page for voter outreach must be translated into our required languages.

STRATEGY 14: POLL WORKER MANUAL

Goal: Creation of a Poll Worker Manual to cover all policies and procedures for polling place operations.

Objective: To place on our web page and to use along with poll worker training. In addition to hands-on training, our poll workers receive three documents to read to familiarize themselves with polling place procedures. Two of these documents, "Inspector's Guide & Checklist," and "What To Do If . . ." are being combined into the Poll Worker Manual.

12/13/05 Update: The City Clerk Department has contracted with Dan Murphy to conduct poll worker training for 2006. Mr. Murphy has had extensive experience in this field most recently with the Los Angeles County Registrar-Recorder/County Clerk, the Elections Assistance

2006 ELECTIONS PLAN

Commission, and with ForeFront Elections, an election consultant service. Any materials prepared for poll worker training will be placed on our web site.

VOTER EDUCATION AND OUTREACH

STRATEGY 15: MINORITY LANGUAGE REQUIREMENTS

Goal: Continued compliance with the Voting Rights Act (VRA) and the California Elections Code by offering voting materials to voters with limited English proficiency in the required languages, and for the recruitment of bilingual poll workers in key polling locations.

Objective: To reach out to our minority language voting population to inform them of voting locations and to offer assistance as needed in polling locations.

Comment: In 2002, candidates' statements for the citywide offices were translated into Spanish, Tagalog, Khmer and Vietnamese. Candidate statements for Council District 1 candidates were translated into Spanish, Tagalog and Khmer. Statements for Council Districts 7 and 9 candidates were translated into Spanish, Tagalog, Khmer and Vietnamese. No translation was required by the VRA in Districts 3 and 5. A candidate is not required to pay for the cost of translating his/her candidate statement into any foreign language required pursuant to federal and/or state law. However, candidates are required to pay for the cost of printing their candidate statement in a foreign language in the sample ballot pamphlet if they choose.

12/13/05 Update: Except for the official ballot, translated voting materials will be sent to voters who are on file in the county system as having requested these materials in prior elections. All voter information placed on our web site will be translated into our required languages.

STRATEGY 16: INTERNET ACCESS TO VOTING INFORMATION

Goal: To provide voters with easy access to a user-friendly web page that provides relevant election information.

Objective: Placement of the following on the Election web page: [1] Frequently Asked Questions and fact sheets for candidates, poll workers, and voters regarding elections; [2] Calendar and information for the April 11, 2006 Primary Nominating Election (PNE); [3] Polling place locator with map, photo and sample ballot (address driven); [4] On-line campaign filing and information retrieval; [5] Links to Secretary of State, RRCC, Attorney General, and Fair Political Practices Commission; and [6] On-line applications for absentee ballot, poll worker, and polling place volunteers. (Items 3 and 6 will be translated into the five required languages.)

Outcome Criteria: Increased outreach to all Long Beach residents.

STRATEGY 17: MEDIA RELATIONS

Goal: To continue good working relationships with the local media, independently and through the City's Public Information Officer, as a means of notifying the public of election-related issues.

Objectives: Placement of Public Service Announcements and press releases regarding poll worker and polling place recruitment, candidate nomination period, and

2006 ELECTIONS PLAN

early voting via Long Beach Channel 8, the WA VE Newsletter, Neighbor-News (as published by Neighborhood Resource Center), and local daily and weekly newspapers, and on the City's web page as described in Strategy #13.

STRATEGY 18: VOTER EDUCATION AND OUTREACH

Goal: To increase voter awareness, participation, and education, aimed at making sure ballots are properly cast.

Objective: Advise City community associations of our availability to make presentations related to voter education and the intricacies of preparing for an election.

Comment: For 2006, the City Clerk Department will work with an intern to prepare a presentation as indicated above for community groups. We will contact the community groups requesting placement on their agenda for this presentation.

12/13/05 Update: A member of City Clerk staff will be present at the December 13 mixer at the Neighborhood Resource Center to inform interested community groups of our availability, as well as to seek poll workers.

The City Clerk Department will also be contracting with a Public Relations firm to assist us with voter outreach for the concurrent election.

STRATEGY 19: SB 1050 (BOWEN) - ELECTIONS, WRITE-IN CANDIDATES

Goal: Support of this bill that provides that a ballot for a qualified write-in candidate shall be counted if it is written in the blank space provided and that the failure of a voter to mark the voting space next to the write-in space shall not preclude the ballot from being counted if the intent of the voter can be determined.

Objective: Letter of support to Governor Schwarzenegger for the passage of this legislation.

Comment: Donna Frye was a qualified write-in candidate for mayor in the city of San Diego in the November 2004 General Election. When the official canvass of election results was completed, it showed Frye finishing second to incumbent mayor Dick Murphy by 2,108 votes. A recount, requested by media organizations and Frye supporters, uncovered a total of 5,551 ballots in which voters wrote-in Frye's name on the ballot in the correct location but did not fill in the bubble next to the write-in space. Had those ballots been counted for Frye, she would have won the election by 3,443 votes. However, the registrar of voters in San Diego County refused to count those votes, citing state law that requires the bubble to be filled-in in order for a write-in vote to count. As municipal elections contests involve closer margins of victory, a policy of counting on the basis of voter intent rather than administrative convenience should be adopted.

12/13/05 Update: Vetoed by the Governor October 7, 2005.

CANDIDATE PROCESSING AND SUPPORT

STRATEGY 20: CANDIDATE HANDBOOK AND ORIENTATION

Goal: Provide a handbook and orientation session for candidates.

2006 ELECTIONS PLAN

Objective: Preparation of candidate handbook in an easy to read format that includes necessary items for candidates to conduct a successful campaign. The handbook highlights provisions of the Long Beach City Charter, Long Beach Municipal Code, California Elections Code and the California Government Code regarding campaigning.

Comment: Candidate orientation is scheduled for Monday, December 19, 2005, at 10 a.m. in the Council Chamber (opening day of the nomination period). Candidates will receive a candidate handbook that includes forms, calendar, and other pertinent information, and an orientation by the City Clerk Department. Items to be discussed include nomination and candidate statement guidelines, Statement of Economic Interests forms, including our new, strict enforcement policy for late filings, the Long Beach Campaign Reform Act, campaign disclosure requirements, online filing of campaign disclosure forms, political sign guidelines and placement, electioneering laws, and guidelines for absentee ballot applications.

The candidate handbook is free to candidates, campaign managers and the media. It is important to understand the seriousness of the handbook and the expense incurred for its preparation. The California Elections Code states that all forms required for nomination be distributed without charge to all candidates applying for them.

STRATEGY 21: STATEMENTS OF ECONOMIC INTEREST - FORM 700

Goal: To phase out the distribution of blank hard copies of Statement of Economic Interest Form 700 to filers in favor of filers completing the form on-line.

Objective: Work with Technology Services to procure a system that will allow City Clerk staff to log, file and maintain electronic copies of Statement of Economic Interest forms.

Outcome Criteria: Since filers need only complete and print out specific schedules within the form, this strategy will save costs associated with photocopying and data entry.

12/13/05 Update: As indicated in Strategy 8, an electronic filing system for Statements of Economic Interest has been created for Statement of Economic Interest filers by Technology Services. This system is different from the electronic filing system for campaign statements. The filer completes the statement electronically, then prints, signs, and submits the hard copy to the filing officer. The form is not saved or viewable online.

STRATEGY 22: DEPOSIT FOR REMOVAL OF CAMPAIGN SIGNS

Goal: For candidates to be responsible for campaign signs illegally placed in public rights of way.

Objective: Charge all candidates (including LBUSD and LBCCD candidates) a \$100 deposit for removal of campaign signs in public rights of way (including street lights and utility poles).

Comment: In the April 2004 election, considerable staff time was expended in the removal of campaign signs from public rights of way. Public Works crews collected 180 signs from public rights of way throughout the City during the week of April 9 through April 15 resulting in overtime costs for the Public Works Department.

2006 ELECTIONS PLAN

Administrative Regulation AR8-6 outlines the procedures to be followed by City employees for the removal of illegal signs from public property.

STRATEGY 23: TRAINING BY FAIR POLITICAL PRACTICES COMMISSION (FPPC)

Goal: For candidates and treasurers to know and understand the correct procedures for completion of campaign statements.

Objective: FPPC provides training seminars for candidates and treasurers if the local agency can pay travel expenses and have at least 25 people in attendance. Seventeen cities will be conducting elections in the Spring of 2006. City Clerks in these cities will be contacted and their candidates and staffs will be invited to this training which is tentatively scheduled for Wednesday, November 30, 2005, in the Council Chamber.

12/13/05 Update: This training is now scheduled for January 18, 2006, 7 p.m. in the City of Long Beach Council Chamber.

ELECTION DAY OPERATIONS

STRATEGY 24: ABSENTEE BALLOT APPLICATION PROCESSING

Goal: In reply to a valid absentee ballot application, mail out absentee ballots within 24 hours of application receipt.

Objective: In concert with the City's election consultant/vendor, City Clerk staff established a process that allows for expedited mailing of absentee ballots directly from the consultant's warehouse. This process proved successful, as we did not have to dedicate precious office space to store miscellaneous absentee supplies, or hire temporary employees for this function. This method will continue to be used for future elections.

12/13/05 Update: The electronic absentee ballot application will be on our web site on March 2, 2006.

STRATEGY 25: VOTE BY MAIL SPECIAL ELECTIONS

Goal: To present for City Council consideration a process to conduct special standalone elections entirely by mail.

Comment: With the increased interest in voting by mail (See Figures 4 and 5), this goal may result in increased turnout. Elections Code Sections 4000 and 4004 provide the City Council with authority to execute this policy.

In April 2002, 28,856 absentee ballots were requested as compared to 16,933 requested in April 1998, an increase of 59 percent.

2006 ELECTIONS PLAN

STRATEGY 26: ELECTION DAY FIELD SUPERVISORS & RELOCATION OF CENTRAL COLLECTIONS AND BALLOT COUNT LOCATION FROM CITY HALL TO A CENTRALLY LOCATED FACILITY IN THE CITY

Goals: A. Continued employment of Election Day Field Supervisors as problem solvers on Election Day.

B. Relocation of the precinct supply check-in centers and the central counting center to Long Beach Energy, which is a centrally located facility within the City for future elections.

Objective: Recruit and train 20-25 field supervisors to provide guidance to poll inspectors and resolve issues that may arise at the polls.

Comment: Central counting and check in were successfully conducted at Long Beach Energy for the April 2004 PNE and we will continue to request this facility for future election use. This strategy will be removed from future EPs.

12/13/05 Update: Field rovers on election day will be approximately one rover to every 10-12 precincts. There are currently 303 precincts for April 2006.

STRATEGY 27: VOTING SYSTEMS TECHNOLOGY IMPROVEMENTS BY LOS ANGELES COUNTY

Goal: To work with the Registrar-Recorder/County Clerk (RRCC) to study methods by which Long Beach municipal voters can receive the benefit of systems purchased with Proposition 41 and HAVA funding.

Comment: The RRCC released an RFP on April 20, 2005, for enhancements to the Ink-A-Vote system. This enhancement is for a precinct-level ballot counting system that allows second chance voting per HAVA guidelines. Second chance voting allows a voter who under /over voted to be able to correct their ballot prior to casting. Per the RFP, proposals were due May 19, 2005, with a BOS hearing date of August 9. The system must be in place in time for the Statewide Primary on June 4, 2006. Should consolidation of our General Municipal (runoff) Election with the County occur, the costs associated with the procurement of this new system must be mitigated over time or by policy in order to avoid a spike in election costs for June, 2006.

Unless City funding is identified for procurement of a new voting system, the City of Long Beach must depend upon Los Angeles County for the realization of efficiencies that are available in modern voting systems that comply with federal and state voting, disability and language requirements.

Because of this, the City Clerk Department has formally requested information from election vendors certified by the California Secretary of State to submit information on their election systems to the City for possible purchase. Ways to offset this purchase are being considered, including Joint Powers Authorities with other agencies that conduct elections on dates other than April/June of even years.

2006 ELECTIONS PLAN

12/13/05 Update: Given state-mandated time constraints, a consolidated election administered for June 2006 is not possible. Although a proposed legislative change was presented to County Council in April 2005, the proposal was not considered viable at this time. With receipt of a September 2005 County Counsel letter concerning the legislative proposal, City and County staff began to coordinate planning for a successful June 2006 concurrent election. At this time, City staff is confident that this collaborative effort will result in a well run Election Day.

Regulations of the Fair Political Practices Commission

TITLE 2, DIVISION 6, CALIFORNIA CODE OF REGULATIONS

(Back to Regulations of the Fair Political Practices Commission)

18215. Contribution.

(a) A contribution is any payment made for political purposes for which full and adequate consideration is not made to the donor. A payment is made for political purposes if it is:

(1) For the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure; or

(2) Received by or made at the behest of the following or any agent thereof:

(A) A candidate;

(B) A controlled committee;

(C) An official committee of a political party, including a state central committee, county central committee, assembly district committee or any subcommittee of such committee; or

(D) An organization formed or existing primarily for political purposes, including, but not limited to, a political action committee established by any membership organization, labor union or corporation.

(b) The term "contribution" includes:

(1) Any payment made to a person or organization other than a candidate or committee, when, at the time of making the payment, the donor knows or has reason to know that the payment, or funds with which the payment will be commingled, will be used to make contributions or expenditures. If the donor knows or has reason to know that only part of the payment will be used to make contributions or expenditures, the payment shall be apportioned on a reasonable basis in order to determine the amount of the contribution.

There shall be a presumption that the donor does not have reason to know that all or part of the payment will be used to make expenditures or contributions, unless the person or organization has made expenditures or contributions of at least one thousand dollars (\$1,000) in the aggregate during the calendar year in which the payment occurs, or any of the immediately preceding four calendar years.

(2) A candidate's own money or property used on behalf of his or her candidacy.

(3) Any goods or services received by or behested by a candidate or committee at no charge or at a discount from the fair market value, unless the discount is given in the regular course of business to members of the public.

(c) Notwithstanding any other provision of this section, the term "contribution" does not include:

(1) An expenditure made at the behest of a candidate in connection with a communication directed to voters or potential voters as part of voter registration activities or activities encouraging or assisting persons to vote, if the expenditure does not constitute express advocacy.

(2) Volunteer personal services or payments made by a person for his own travel expenses, if such payments are made voluntarily without any understanding or agreement that he or she will be repaid.

(3) A payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office, if the total cost of the meeting or fundraising event is \$500 or less, exclusive of the fair rental value of the premises.

(4) A payment made at the behest of a candidate, which is for a communication by the candidate or any other person, that meets all of the following:

(i) Does not contain express advocacy;

(ii) Does not make reference to the candidate's candidacy for elective office, the candidate's election campaign, or the candidate's or his or her opponent's qualifications for office; and

(iii) Does not solicit contributions to the candidate or to third persons for use in support of the candidate or in opposition to the candidate's opponent.

(5) A payment made by a candidate or committee for another candidate to attend the paying candidate's or committee's fundraiser.

(6) A payment made by a candidate for a communication publicizing his or her endorsement by another candidate, provided that the communication does not expressly advocate the nomination or election of the endorsing candidate or the defeat of an opponent of the endorsing candidate.

(7) A payment made by a ballot measure committee for a communication in which the ballot measure supported or opposed by the committee is endorsed or opposed by a candidate, and the communication does not expressly advocate the nomination or election of the endorsing candidate or the defeat of an opponent of the endorsing candidate.

(8) A payment by:

(i) A regularly published newspaper, magazine or other periodical of general circulation which routinely carries news, articles, and commentary of general interest for the cost of publishing a news story, commentary or editorial; or

(ii) A federally regulated broadcast outlet for the cost of broadcasting a news story, commentary, or editorial.

(9) A payment by an organization for its regularly published newsletter or periodical, if the circulation is limited to the organization's members, employees, shareholders, other affiliated individuals and those who request or purchase the publication. This exception applies only to the costs regularly incurred in publication and distribution. Any additional costs incurred are contributions, including, but not limited to, expanded circulation; substantial alterations in size, style, or format; or a change in publication schedule, such as a special edition.

(10) A payment for a debate or other forum sponsored by a nonpartisan organization in which at least two candidates appearing on the ballot for the same elective office were invited to participate.

(11) A payment for a debate or other forum in which the proponent of a ballot measure and at least one opponent, or their respective representatives, were invited to participate in equal numbers.

(12) A payment for a debate or other forum sponsored by a political party or affiliated committee in which a majority of the candidates for that party's nomination were invited to participate.

(13) A payment made by a bona fide service, social, business, trade, union or professional organization or group for reasonable overhead expenses associated with the organization's regularly scheduled meeting at which a candidate or an individual representing either side of a ballot measure speaks, if the organization pays no additional costs in connection with the speaker's attendance.

(14) A payment received by, directed by, or made at the behest of a candidate for personal purposes. [NOTE:

Such payments may constitute gifts, income, or honoraria, and as such may be limited or prohibited, under other provisions of the Act. See also Title 2, California Code of Regulations, Section 18941.1 regarding payments for food.]

(15) A payment made by a candidate for a communication in support of or opposition to a ballot measure, if the communication features the endorsing candidate or clearly identifies him or her as the sponsor of the communication. [NOTE: this exception does not include a monetary contribution from a candidate or his or her controlled committee to a ballot measure committee.]

(16) A payment by a sponsoring organization for the establishment and administration of a sponsored committee, provided such payments are reported. Any monetary payment made under this subdivision to the sponsored committee shall be made by separate instrument. A "sponsoring organization" may be any person (see Gov't Code 82047) except a candidate or other individual (see Gov't Code 82048.7). "Establishment and administration" means the cost of office space, phones, salaries, utilities, supplies, legal and accounting fees, and other expenses incurred in setting up and running a sponsored committee.

(d) A contribution made at the behest of a candidate for a different candidate or to a committee not controlled by the behesting candidate is not a contribution to the behesting candidate.

Note: Authority: Section 83112, Gov. Code

Reference: Section 82015 and 85312, Gov. Code

(c) Any payment received by a person who makes a communication described in subdivision (a) is subject to the limits specified in subdivision (b) of Section 85303 if the communication is made at the behest of the clearly identified candidate.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Aggregate Contributions to All State Candidates"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18531.10
2 Cal. Code of Regs. Section 18539.2

§ 85311. Affiliated Entities; Aggregation of Contributions to State Candidates.

(a) For purposes of the contribution limits of this chapter, the following terms have the following meanings:

(1) "Entity" means any person, other than an individual.

(2) "Majority owned" means an ownership of more than 50 percent.

(b) The contributions of an entity whose contributions are directed and controlled by any individual shall be aggregated with contributions made by that individual and any other entity whose contributions are directed and controlled by the same individual.

(c) If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated.

(d) Contributions made by entities that are majority owned by any person shall be aggregated with the contributions of the majority owner and all other entities majority owned by that person, unless those entities act independently in their decisions to make contributions.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Aggregation of Financial Activity"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18428
Opinions: In re Kahn (1976) 2 FPPC Ops. 151
In re Lumsdon (1976) 2 FPPC Ops. 140

§ 85312. Communications to Members of an Organization.

For purposes of this title, payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of

an organization for the purpose of supporting or opposing a candidate or a ballot measure are not contributions or expenditures, provided those payments are not made for general public advertising such as broadcasting, billboards, and newspaper advertisements. However, payments made by a political party for communications to its members who are registered with that party which would otherwise qualify as contributions or expenditures shall be reported in accordance with Article 2 (commencing with Section 84200) of Chapter 4, and Chapter 4.6 (commencing with Section 84600), of this title.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Communications Within an Organization"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18215
2 Cal. Code of Regs. Section 18531.7

Opinions: In re Olson (2001) 15 FPPC Ops. 13

§ 85313. Officeholder Account. [Repealed]

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 85314. Special Elections and Special Runoff Elections as Separate Elections.

The contribution limits of this chapter apply to special elections and apply to special runoff elections. A special election and a special runoff election are separate elections for purposes of the contribution and voluntary expenditure limits set forth in this chapter.

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.4

§ 85315. Elected State Officer Recall Committees.

(a) Notwithstanding any other provision of this chapter, an elected state officer may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected state officer receives a notice of intent to recall pursuant to Section 11021 of the Elections Code. An elected state officer may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contributions limits set forth in this chapter. The voluntary expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.

ARTICLE XIX. NOMINATIONS AND ELECTIONS

Section 1900. GENERAL CLASSIFICATION OF ELECTIONS.

Municipal elections shall be classified as follows:

1. Primary nominating elections,
2. General municipal elections, and
3. Special municipal elections.

Sec. 1901. PRIMARY AND GENERAL MUNICIPAL ELECTIONS.

The primary and general municipal elections for elective officers of the City shall be held in even numbered years, on the second Tuesday in April and the first Tuesday after the first Monday in June, respectively, and candidates elected to office shall assume such office on the third Tuesday in July and serve until election and qualification of their successors.

Only those elected offices shall be filled which become vacant on the third Tuesday in July of that year.

Sec. 1902. SPECIAL ELECTIONS.

All other municipal elections shall be known as special municipal elections.

Sec. 1903. PROPOSITIONS.

The City Council shall have the power to submit to the electors of the City, at any election, any measure or proposition required to be submitted by the Constitution, this Charter, general law or by ordinance or resolution of the City.

Sec. 1904. NOMINATIONS.

Candidates for elective offices, except for the City Council, to be voted for at any general municipal election, shall be nominated by the City at large at the primary nominating election. Candidates for City Council, to be voted for at any general municipal election, shall be nominated by the respective district to be represented at a primary nominating election.

Sec. 1905. PROVISION FOR GENERAL MUNICIPAL ELECTION.

Candidates for elective offices, except for the offices of members of the City Council, shall be voted for by the electorate at large. Candidates for the offices of members of the City Council shall be voted for by the electorate of the respective District to be represented. In the event that no candidate for nomination to an elective office receives a majority of the votes cast for all candidates for nomination to such office at any primary nominating election, the two candidates receiving the highest number of votes for any given office at the

primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed upon the ballots to be used at the general municipal election.

Sec. 1906. MAJORITY VOTE AT PRIMARY ELECTION.

In the event that any candidate for nomination to an elective office shall receive a majority of the votes cast for all the candidates for nomination to such office at any primary nominating election, the candidate so receiving such majority of votes shall be deemed to be and declared by the City Council to be elected to such office.

Sec. 1907. RESOLUTION ORDERING ELECTION. - LIST OF CANDIDATES - PUBLICATION.

The City Council shall, by resolution, order the holding of all elections not less than thirty (30) days before the day of the primary nominating election and not less than thirty (30) days before the day of the general municipal election. The City Clerk shall enter the names of the candidates nominated in a list with the offices to be filled, and shall certify such list to the City Council as being the list of candidates nominated as required by law. The City Council shall cause said certified list of names and the offices to be filled to be published as required by the Elections Code of the State of California.

Sec. 1908. GENERAL MUNICIPAL ELECTION RESULT.

The candidate who shall receive the highest number of votes in the general municipal election for his respective office shall be deemed to be and declared by the City Council to be elected to such office.

Sec. 1909. PRINTING.

Notwithstanding the limitations set forth in this Chapter relating to contracting, the City Clerk shall, with approval of the City Council, select a printing and consulting firm or firms by negotiation to provide the necessary ballots, cards and other printed election materials and supplies and advice necessary to assure that the election or elections be conducted in a timely manner and within the legal requirements of law. The City Clerk shall select any such printing and consulting firm or firms based upon their experience in handling municipal elections and ability to produce the printed materials and supplies with the necessary specialized equipment to ensure timely delivery and proper quality and quantity of such election materials and supplies for such ensuing election or elections.

Sec. 1910. STATE ELECTIONS CODE.

Unless otherwise provided by this Charter or ordinance adopted by the City Council, all municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California governing municipal elections.

REICH, ADELL, CROST & CVITAN

A PROFESSIONAL LAW CORPORATION

3550 WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90010
TEL (213) 386-3880 • FAX (213) 386-5583
www.racclaw.com

HIRSCH ADELL
PAUL CROST
ALEXANDER B. CVITAN
MARIANNE REINHOLD
J. DAVID SACKMAN
LAURENCE S. ZAKSON

OF COUNSEL
GEORGE A. PAPPY
STEVEN T. NUTTER

MARSHA M. HAMASAKI
NEELAM CHANDNA
CARLOS R. PEREZ
DEBRA S. GOLDBERG
PETER A. HUTCHINSON
ANDREW BIRNBAUM
WILLIAM Y. SHEH

JULIUS MEL REICH
(1933 - 2000)

May 10, 2006

Via Facsimile & Overnight Delivery
(202) 219-3923

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Attn.: Mai Dinh, Esq.
Robert Knop, Esq.

Re: Request for Advisory Opinion for LACDP

Dear Ms. Dinh and Mr. Knop:

This letter supplements a letter I sent you on May 5, 2006 on behalf of Los Angeles County Democratic Party Central Committee, also known as the Los Angeles County Democratic Party (LACDP). On May 9, 2006, you called me to request supplemental information concerning the LACDP's May 5, 2006 request for an advisory opinion. In particular, you requested the script the LACDP intended to use for the proposed pre-recorded electronically dialed telephone calls, and drafts of the mailers for the direct mail discussed in that request.

Attached please find two draft scripts and a draft mailer. Any actual mailer would also have the LACDP's mailing address. As drafted, the proposed mailers do not have either (1) the time period during which the polls are open; or (2) the voter's particular polling location. These would be added if, but only if, the Commission were to advise that the inclusion of this data would be permissible even if the mailing were funded entirely with non-federal funds.

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2006 MAY 10 P 3:40

Federal Election Commission
May 10, 2006
Page 2 of 2

Please contact me should you have any questions or require any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to be 'LSZ', written over a horizontal line.

Laurence S. Zakson

of REICH, ADELL, CROST & CVITAN

LSZ/ws

cc: Eric Bauman, Chair, LACDP

136053.1

Bob Foster Script

Hi, this is Eric Bauman, Chair of the LA County Democratic Party, with an important message for the registered Democrats at your home.

Election Day is Tuesday, June 6th. In the race for Long Beach Mayor, Bob Foster is the officially endorsed candidate of the Democratic Party.

He is an exceptional candidate who shares our values and has great ideas for Long Beach, including plans to clean up the Port, attract new high wage jobs and add 100 new police officers.

Please remember to vote for Bob Foster on Tuesday, June 6th.

This is a member communication paid for by the LA County Democratic Party. Not authorized by any candidate or committee.

Bob Foster Script-2

Hi, this is Eric Bauman, Chair of the LA County Democratic Party, with an important message for the registered Democrats at your home.

Election Day is Tuesday, June 6th, and your vote for Bob Foster for Mayor is critical to the future of our city.

Long Beach needs an experienced leader who will put our needs first, expand the police department and protect our coast line.

Please vote for Bob Foster for Mayor – for the future of our city.

This is a member communication paid for by the LA County Democratic Party. Not authorized by any candidate or committee.

Official Democratic Party Voter Guide for Long Beach

Electron Day Tuesday, June 6, 2006

Provided by the
Los Angeles County
Democratic Party



Los Angeles County Democratic Party

Dear Democratic Party Member,

The candidates on this Voter Guide have received the official endorsement of the Los Angeles County Democratic Party. This is a membership communication to the registered Democratic voter at this address. Your elected representatives to the LACDP (Los Angeles County Democratic Central Committee) have evaluated and voted to support the candidates listed herein.

Inclusion on this Voter Guide is not specifically authorized by any candidate or ballot measure committee. Unlike "for-profit" slate mailers, we do not sell space on this voter guide. Candidates are included in our guide because they support the beliefs and ideals of the Democratic Party, not because they bought a listing.

Eric Bauman

Eric C. Bauman, Chair

Paid for by the
Los Angeles County Democratic Party.
Not authorized by any candidate or
committee. FPPC #744554 FEC # C00300731

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Permit No. 14954
Los Angeles, CA

The Los Angeles County Democratic Party Endorses These Long Beach Candidates:

BOB FOSTER ...Long Beach Mayor



Helps Our Kids. Bob is a Trustee for the California State University system and has served on the boards of the Aquarium of the Pacific and the Long Beach Library Foundation.

Crime Fighter. Dedicated to reducing crime, Bob has a sensible plan to add 100 new police officers and is endorsed by local police officers and firefighters.

Proven Environmental Leader. Bob will fight to clean up the Port and reduce diesel emissions. He is endorsed by the Sierra Club.

Created New Jobs in Long Beach. Bob is a creative business leader with the contacts to attract new high wage jobs for our city.

Democrats are United for Bob Foster. Bob is endorsed by the L.A. County Democratic Party

- ☒ Bob Foster.....Long Beach Mayor
- ☒ Suja Lowenthal.....Long Beach City Council, District 2
- ☒ Audrey S. Loffin.....Long Beach City Council, District 3
- ☒ Gerrie Schipske.....Long Beach City Council, District 5
- ☒ David Barton.....Long Beach Unified School Board, District 7